

**WTO HIGH LEVEL SYMPOSIUM ON TRADE AND ENVIRONMENT
MARCH 15-16, 1999**

INTERACTION BETWEEN THE TRADE AND ENVIRONMENT COMMUNITIES

STATEMENT OF THE UNITED STATES

At the WTO's 2nd Ministerial Conference in May of last year, President Clinton underlined that *"the way we make trade rules and conduct trade affects the lives, daily -- and the livelihoods, and the health and the safety of ordinary families all over the world."*

Modern trade agreements extend into spheres of government activity that touch peoples' lives in many ways, including food safety, environmental controls on dangerous chemicals and many others. Therefore the growth of public interest in trade negotiations is a natural outgrowth of the evolution of such negotiations. We should welcome this interest and respond positively to it by providing transparency and openness in the activities of the WTO.

At the January session of the General Council, the United States noted that a number of systemic issues require Council action as part of the preparations for the 1999 Ministerial, beyond the issues raised in the context of Dispute Settlement and the review that is due to conclude in July. They include enhancing the transparency of the WTO and its operations, and providing for appropriate interaction with international organizations and NGOS before, during, and after the Third Ministerial Conference. This meeting can make an important contribution to the debate on these issues.

The WTO has already taken some first steps in this direction through decisions in 1996 that improved public access to documents and provided for arrangements for consultations with non-government organizations. The WTO Secretariat has also shown much welcomed initiative in serving as a bridge between WTO members and civil society. This has included regular briefing for NGOs on WTO activities and making documents from NGOs available to WTO members. Also, we strongly welcome the WTO Appellate Body's confirmation that dispute settlement panels have the right to receive and consider amicus curiae briefs from any interested party.

WTO Members have progressively addressed the need for greater openness and access and the Director General has moved forward in expanding consultations with stakeholders. As we look ahead to the Seattle Ministerial meeting, and the launch of new negotiations, the question we must ask ourselves is what more can be done to ensure that the WTO continues to be responsive to the needs and interests of diverse constituencies as we create the trading system for the 21st century.

Access to Documents

Since the initial decision of the Council in 1996, we have done much together to promote greater openness and access to documents. We are pleased to note that there is a proposal before the WTO General Council to provide still greater public access to WTO documents, which has broad support. We should move forward on this proposal. It would, among other things, provide for prompt access to the findings and conclusions of dispute settlement panels and substantially reduce the time it takes for minutes of WTO meetings to be made public. With the initial decision and this important improvement we will have, to a large extent, reversed the presumption and moved in the direction of having most WTO documents treated as unrestricted documents. This is a welcome change that over time we believe will be expanded to address an even broader range of documents.

Similarly, the Secretariat has worked to ensure that WTO Members have access to NGO submissions to expand the dialogue on issues. These are important developments that should serve as building blocks for further collaboration.

Dispute Settlement

The WTO's dispute settlement process is another area where the WTO can benefit from greater transparency and access. In the ongoing review of the Dispute Settlement Understanding, we and other members have tabled a number of proposals for greater openness. For our part, we have tabled proposals to:

- (1) open dispute settlement panel meetings and Appellate Body meetings to observation by all WTO members and civil society;
- (2) offer opportunities in each dispute for submission of amicus curiae briefs to the panel and appellate Body;
- (3) provide that all submissions to dispute settlement panels be made public when submitted, with the exception of confidential business information; and
- (4) maintain a public docket, open for inspection, of submissions to dispute settlement panels.

These proposals would represent a significant change in current practice and are somewhat controversial. However, we believe that they are important to ensure public understanding and acceptance of the dispute settlement process which touches their daily lives.

Interaction with Civil Society

At last May's Ministerial Conference, President Clinton called for "*a consultative forum where business, and labor, and environmental, and consumer groups can provide regular and continuous input to help guide further evolution of the WTO*". Looking towards a new round of WTO negotiations, this call to action is more pressing than ever.

To be clear, we fully agree with those WTO members who emphasize that dialogue must occur first and foremost at the national level. For our part, we are firmly committed to ensuring that there are mechanisms for public input and dialogue throughout the negotiations.

However, there is also need for dialogue at the international level. Meetings such as this symposium have demonstrated that there is a great deal of value in being exposed to the knowledge and perspectives of as broad a range of stakeholders as possible. Whether at first blush we as governments think that we agree or disagree with what is said, there is value in being exposed to this broad range of views.

This symposium has certainly been a welcomed and valuable opportunity to exchange ideas and receive input from civil society. However, we believe that we as WTO members must be more creative in developing and putting in place mechanisms for regular and continuous input. We will be listening carefully to ideas that may be put forward today and we will be putting forward more concrete suggestions in the not too distant future.

To be clear, none of these ideas are intended to change the government-to-government nature of the WTO as an institution and we strongly believe that none of them would have such an effect.

The United States is committed to obtaining improvements in the WTO's operation to address the lack of transparency that is limiting both opportunities and support for trade expansion and the WTO. We believe that there is a growing recognition among WTO members that it should be possible to address these problems while respecting the government-to-government character of the WTO and its operations. Two basic concerns need to be addressed: (1) the perceived lack of commitment by Members to making the WTO's operation more open and transparent is a major obstacle to building public support for further trade liberalization and confidence in the WTO; and (2) lack of information is limiting opportunities to engage in trade (such as: information that is not provided despite the fact that it is required by existing agreements; information that would expedite customs transactions and procedures; procurement bids; or information that would address the interests of potential investors about the country's trade regime.)

The United States renews its earlier suggestion that Members consider whether in some cases the transparency and notification provisions could be revised to be more responsive to the

needs and interests of stakeholders while being less of an administrative burden to those providing information.

The WTO has made important improvements to ensure better communications with the NGO community in a variety of areas. There is now an Internet WEB page where information can be shared and an active outreach program undertaken by the Director General. It is appropriate that the WTO explore various types of cooperation with the NGO community as we prepare for the Ministerial, drawing on the experiences of national governments and their various approaches, as well as other international organizations.

We encourage continued efforts by the WTO Secretariat and the Members to explore various approaches to consultations with stakeholders. This should enable the Council to make recommendations with respect to the organization of the Ministerial Conference and institutionalization of consultative mechanisms for the WTO.

Relations with Intergovernmental Organizations

The General Council has pending before it requests for observer status from a number of international organizations. Granting observership should facilitate cooperation between the WTO and these organizations and their Secretariats.

The United States has requested that the Chairman of the Council undertake consultations to reach agreement to expand the number of international organizations that may be observers to the WTO Councils and Committees. In the view of the United States, progress can be made in this regard and we have offered proposals in the WTO Council aimed at moving this discussion forward.

Our proposals in the Council are evidence that we attach a high priority to the strengthening of relations between the WTO and international organizations dealing with environmental matters as a partnership of equals. In this connection, we particularly welcome the participation of Klaus Topfer, the Executive Director of UNEP and other representatives of the international environmental community in this symposium. We are also very appreciative of the time that MEA Secretariats have taken to come to meetings of the CTE to help WTO members learn about their activities.

As noted in our opening remarks, we believe that another important means of strengthening relations is through cooperation agreements. These agreements can spell out arrangements for sharing of documents, observership in meetings, and the identification and sharing of expertise. In this connection, we welcome UNEP's expression of interest in such an agreement and believe that the WTO should respond positively.

Beyond observership and cooperation agreements, we should work together to continue to look for ways of building and strengthening cooperation with international environmental organizations.